


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10CR00340 HEA
)	
LUIS ENRIQUE AVALOS-MONTANEZ,)	
DANTE JONES,)	
)	
Defendants.)	



PRELIMINARY ORDER OF FORFEITURE

WHEREAS, the United States sought forfeiture of specific property of the above-captioned defendants pursuant to Title 21, United States Code, Section 853 as set forth in the Indictment:

AND WHEREAS, on August 27, 2010, the defendant Dante Jones, pleaded guilty to Counts I and II of the indictment and the United States also entered into a written Stipulation regarding the identified property subject to forfeiture.

AND WHEREAS, on September 3, 2010, the defendant Luis Enrique Avalos-Montanez, pleaded guilty to Count I of the indictment and the United States also entered into a written Stipulation regarding the identified property subject to forfeiture.

AND WHEREAS, by virtue of said pleas of guilty and written Stipulations, the United States is now entitled to possession of said property, pursuant to Title 21, United States Code, Section 853;

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the defendants' pleas of guilty and the written Stipulations, the following property is hereby forfeited to the United States for the disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853:

- (c) \$4,989 in U.S. currency;
- (d) \$8,034 in U.S. currency;
- (e) 2007 Cadillac Escalade VIN 3GYFK62897179181;
- (f) Springfield Armory 45 caliber handgun, Serial No. XD602282;
- (g) BJT .38 Special 2 shot derringer, Serial No. 007258; and
- (h) One magazine containing 13 rounds of 45 caliber ammunition.

2. That the aforementioned forfeited property is to be held by the United States Marshal, as indicated, in their secure custody and control.

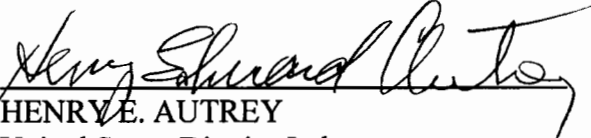
3. Upon issuance of a Preliminary Order of Forfeiture, the United States will provide written notice to all third parties asserting a legal interest in any of the above described property and will post on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days as required by Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to Title 21, United States Code, Section 853(n)(1).

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeiture properties and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court shall enter a Final Order of Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all of said property will be ordered forfeited to the United States to be disposed of according to law.

Ordered this 7th day of November, 2010.


HENRY E. AUTREY
United States District Judge